

Message Text

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INFO OCT-01 ARA-06 ISO-00 L-03 OES-03 DLOS-04 EB-07 COME-00

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R 161925Z DEC 75

FM SECSTATE WASHDC

TO AMEMBASSY BOGOTA

AMEMBASSY MANAGUA

AMEMBASSY SAN JOSE

AMEMBASSY TEGUCIGALPA

C O N F I D E N T I A L STATE 296102

E.O. 11652: GDS

TAGS: EFIS, XL

SUBJECT: SPINY LOBSTER FISHING

1. FLORIDA-BASED SPINY LOBSTER FISHERMEN HAVE EXPRESSED INTEREST IN CONDUCTING FISHING OPERATIONS IN VARIOUS AREAS OF CARIBBEAN, INCLUDING WATERS OFF COASTS OF ADDRESSEE COUNTRIES. FISHERMEN HAVE REQUESTED ASSISTANCE OF DEPT AND INFORMATION REGARDING TERMS AND CONDITIONS ACCORDING TO WHICH ADDRESSEE GOVERNMENTS MAY PERMIT FOREIGN FISHING FOR THIS SPECIES.

2. POSITION OF USG ON SUCH FISHING IS THAT FISHERMEN HAVE A LEGAL RIGHT TO OPERATE BEYOND 12-MILES FROM COAST OF ANY

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COUNTRY, PROVIDED THERE IS NO CLAIM OF EXCLUSIVE JURIS-

DICTION OVER LOBSTER AS CREATURE OF CONTINENTAL SHELF. DEPT HAS NO KNOWLEDGE OF ANY SUCH CLAIMS ON PART OF ANY OF HOST GOVERNMENTS. THERE IS POTENTIAL JURIDICAL DISPUTE, HOWEVER, WITH NICARAGUA AND COSTA RICA WHICH HAVE 200-MILE CLAIMS OF JURISDICTION OVER WATERS OFF THEIR COASTS. SHOULD THEY LICENSE FOREIGN FISHERMEN TO FISH INSIDE 200-MILES FOR SPINY LOBSTER, HOWEVER, DEPT WOULD NOT OBJECT IF FISHERMEN CHOSE TO PURCHASE LICENSES ALTHOUGH THEY WOULD BE UNDER NO LEGAL OBLIGATION TO DO SO. IN CASES OF COLOMBIA AND HONDURAS WITH 12-MILE CLAIMS, QUESTION IS ESSENTIALLY WHETHER OR NOT THEY LICENSE FOREIGN LOBSTER FISHING INSIDE 12-MILES.

3. POSTS SHOULD APPROACH APPROPRIATE HOST GOVERNMENT OFFICIALS TO ASCERTAIN LAWS AND REGULATIONS OF HOST GOVERNMENTS RELATING TO FISHING FOR SPINY LOBSTER BY FOREIGN FISHERMEN. JURIDICAL QUESTION SHOULD NOT BE RAISED, AS WE ARE ONLY INTERESTED AT THIS TIME IN WHAT LEGAL REQUIREMENTS OF HOST GOVERNMENTS ARE. DEPT WOULD SUGGEST THAT DUE TO INFORMATIONAL NATURE OF REQUEST, PERHAPS APPROACH SHOULD BE DIRECTED TO FISHERY OFFICIALS OR OTHER RELEVANT TECHNICAL AGENCY. INGERSOLL

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